



**MINUTES
COMMITTEE MEETING
LEGISLATION AND CODES
10/19/2020 at 7:16PM**

Roll Call:

Members present: Daniels (chair), Schaber, Thomas
Meeting called to order at 7:16 PM.

Old Business:

Item 1. ORDINANCE OF THE COUNCIL OF THE CITY OF MARION OHIO, UTILIZING AUTHORITIES GRANTED BY OHIO REVISED CODE, REPLACING THE BOARD OF ZONING APPEALS WITH CITY PLANNING COMMISSION, AMENDING ALL NECESSARY CODIFIED ORDINANCES/ RESOLUTIONS IT HAVING DETERMINED A REAL AND PRESENT NEED TO FURTHER STREAM LINE LOCAL GOVERNMENT AND DECLARING AN EMERGENCY (Daniels/Mayor)

Law Director Russell explained that more detail has been added about the composition of the board to include representatives from each ward, in addition to the statutory members mandated by the Ohio Revised Code. Mayor Schertzer explained that they will replace members under these guidelines as terms expire for current members. Terms will be staggered. Members are recommended by Mayor and approved by City Council.

It was confirmed that the statutory members (Mayor, Safety/Service, and Parks Commission Chair) are voting members of the City Planning Commission. Mr. Neff stated that he would not support this legislation. Mr. Schaber clarified that the function and responsibility of the BZA will still exist but just be under the role of the City Planning. Mr. Schaber also clarified that all appeals will go to council first, and then could be further appealed to common pleas court. No layers are being removed, only made consistent and allowing for a council review.

Mr. Daniels stated that the current organization concerns him after his recent attendance at a meeting. He would like to have a more expedited process. Both committees put together gives the city a better opportunity to educate the members on the scope of their job. There were things being entertained at the last meeting that were not relevant to considering a variance. There are only a few, very specific reasons to grant a variance. Things like insurance coverage are not a consideration. He likes the fact that it can be appealed to the elected members of the council. He was very disturbed by that meeting, the conclusions that were made that night, as

well as the time that it took to correct the situation. He believes that this legislation will help the city government to be smaller and more responsive.

Mr. Neff stated that he believed that the questions related to the applicant and what they were trying to do were really good. He said that individuals are trying to work outside the framework and that is why questions need to be asked. He thought it was going well until Mr. Daniels and Mr. Smith (Zoning Inspector) spoke unprofessionally to the members of the BZA. He believes this is why this legislation is even here tonight. He states that Mr. Daniels told the BZA that he was going to the Mayor and members would be removed who are not doing what he likes (after the microphone was turned off). He stated that he is paraphrasing. That is why he is not for combining the groups.

Mr. Daniels said that the board had never been educated about what BZAs do. He was also concerned about how the applicants were treated. He said because Mr. Neff, Mrs. Neff (employee of Habitat), and Habitat for Humanity did not want someone else building affordable housing, they threw up every distraction and dispersion. They were asking things that they should not have. The applicants were denied their rights to file an application because of the problems that were caused. Everyone was denied their rights because of what happened. Yes, he did say that issues would be addressed to assure that BZA members knew how they should perform.

Mayor Schertzer said that the discussion of merging the two happened long before that February meeting. He credited the Clerk of Council for her research. He has been working with clerk and Law Director. It has gone dormant because we have not been meeting in person. No matter the reason, he believes that this streamlines the process and is in the best interest of the improvement and expansion of our city in all sectors.

Mr. Thomas said that he reads this as renaming and combining the committee. It really does not change anything. It makes it a little easier for the citizens. He does not understand why anyone would be against that.

Mr. Neff explained that he was opposed to the combination because of the three statutory members. He is concerned that they are going from 7 citizens to 6 citizens and 3 statutory members. Mr. Neff conceded that attendance is very poor at BZA meetings and sometimes they may not establish a quorum. Daniels said that this change may make it easier to get something processed, even if some members are not able to be there.

Mayor Schertzer clarified that the Chairman of Park Commissioners is not a paid position. It is an appointed position in the Park Commission. ORC specifies that the chairman must be on the BZA.

Clerk Rose provided some more background on how this idea came about. Sometimes a quorum is an issue. We also found that members did not have sufficient training about their duties and how appeals should be handled, and this created problems. This combination would also give one committee enough “work” for a 12-month period and may be conducive to better attendance. As it stands, many meetings are canceled due to lack of business.

Feliciano asked if we would still need this if we had a Building Department. Yes.

Neff asked how many people had resigned their positions since the February meeting. Mayor confirmed two members. One had nothing to do with the BZA meeting.

Neff said that there was another meeting after the February meeting. He said only two people were BZA and the rest were City Planning. Clerk explained that she discussed with the Mayor the possibility of appointment City Planning members to fill vacancies while the combination option was explored. If the change went through, we would be on our way to a very smooth transition to one board. If combining two committees did not go through and members did not wish to be on two boards, they could resign.

Schaber said that appointments would be made as terms expired. Do we know who will be on the board? Will their terms be wiped to zero? Russell said that the wish was to let current members serve out their current terms and then fill around that.

Mr. Cooperider asked if some of the board members should come from the council person from the ward as opposed to one-person hand-picking for his kingdom. Daniels specified that all members must be approved by council. Mayor stated that he does talk with ward Council members when he has a vacancy. There are checks and balances in place.

Thomas made a motion to approve with changes to name members and terms; Schaber 2nd. Roll Call: Ayes – Daniels, Schaber, Thomas: Nays -- none

Legislation recommended to council (3-0)

Item 2. A RESOLUTION TO ENACT THE SMALL BUSINESS WORKING CAPITAL GRANT PROGRAM (Neff)

Mr. Neff explained that he is back with grant. He is looking to give grants to local businesses (brick and mortar) with 25 or fewer employers who have been impacted by COVID because customers could not come to them. The grant is up to a maximum of \$2,500 and can cover many expenses, including utilities and mortgages. Grants will be cleared by Port Authority and Regional Planning. Packet is the same as it was, but he added some additional forms. He has an email from the OBM who indicated that the local government has the flexibility to determine how it will be used. He is requesting \$100,000 of CARES Act 3 money.

Service Director Chaffin said that she would need to review to determine how it fits with the CARES Act funding. She believes that the current proposal is cumbersome, and they may struggle meeting the timelines they have for CARES Act 3. OMB does encourage small business grants, but she is concerned about the eligibility for some costs listed.

Mayor Schertzer has a concern about time frame because it is becoming very tight as far as when CARES ACT must be spent. How will it be marketed? If it is not spent, extra money would have to go back. He is concerned because he knows that the City has legitimate expenses that could be covered by it without losing dollars to the city. Beyond that, he has small things that he might prefer to be done differently. Overall, he agrees to helping businesses. He commended Mr. Neff's efforts.

Thomas asked how businesses would know? Miss Warr-Cummings said that the county is doing something smaller but similar. Smaller villages were in the position where they were going to send money back. Port Authority stepped up to help. She said that Marion Township practically drove around and handed out applications. She recommended using the Chamber, Downtown Marion, etc. as ways to get word out. Time is of the essence.

Neff explained that if they had more businesses than money, that they would need to cut the amount down to every other business. It is not the intention of this grant to leave anyone out. Due date is 11/27/2020. Then they could give the Port Authority a couple of weeks to review and then issue the checks.

Schaber said he thought they have to have money spent by 11/15. The 11/27 due date will not work.

Neff said that he does not believe that is the spending deadline for the 3rd round. Council would need to appropriate to this grant fund by 11/15. It would sit there and get paid out. That is his belief and understanding.

Mayor Schertzer said if this passed and goes on to council on 10/26, then it would go to Finance Committee on 11/02 to appropriate the money. The timeline is much tighter than what people think it is. It has to be encumbered by a certain date and then spent by a certain date.

Chaffin explained that all funds must be encumbered/spent and accounted for is 11/20. Anything left over has to be send back. This situation is not a reimbursable expense. Reimbursement is the safest manner. She is supportive of a business grant program. She also is aware that the governor is expected to release some more money for small businesses. Money under a grant as discussed would have to be encumbered/spent to a specific small business (not to a budget line item) no later than 11/20, or that money would have to be returned.

Daniels asked if it gained them time by getting a list of potential candidates while this worked its way through Council. Would that save them time in distribution. Mayor agreed. Because time is of the essence, it is the \$100,000 that really concerns him. Will they be able to distribute that in the time allotted? This is Neff's legislation. If he is willing to look at a lesser amount that is an amount that we agree could be spent, that way we do not have to return anything back to the state. Daniels proposed "up to \$100,000". Mayor said that there needs to be a point before 11/20 that they can decide that they cannot spend it all and it can go back to administration to spend on other items on list. Chaffin has qualifying expenses beyond what CARES Act can even fund. She said that 11/14-11/15 at the maximum. Daniels asked whether they could take pre-applications, pending approval of the funds by council. That way they would know how much to allocate. Mayor suggested a 11/13 cut off. That would give the city enough time to spend on qualifiable expenses.

Schaber noted that township had a low turnout. Maybe we should open this up to any business, beyond brick and mortar. Maybe that would ease up some of our concern for distributing cash. For example, even contractors had to change the way they did things. Mayor agreed that he did not think it should be limited to brick and mortar, but he would prefer not to issue to "corporate America". They should be local businesses.

Neff said that they are trying to target businesses shut down by the governor, specifically brick and mortar. A business that is expecting someone to come to their store front/location to purchase a product. If they want more, then maybe we should go back and start over. He is willing to do that.

Schaber said that we cannot be too specific because of the time crunch. We need to discuss application. Simple is best.

Neff is open to changes and can have that done for next week. Schneider asked if just amending it to "small businesses" would resolve it.

Warr-Cummings asked if they might want to include non-profits.

Meade asked what options they have to notify businesses, besides "who you know". Neff said that he would go to the Chamber of Commerce first, Marion Star, word-of-mouth.

Mayor said that the administration had been working on an ordinance for a similar program. They had not released it because they did not want to compete with Neff's. He would be willing to put that legislation and suggested application out to everyone in the morning. If council likes amended version, they can add to agenda on Monday night or call a committee meeting for immediately prior to council meeting.

Daniels said no need for committee. It sounds good that we are all looking the right direction. They could consider amendments.

Ratliff asked about expenses that a business will have to spend in the future vs. expenses that are a reimbursement. Daniels said that it is money already expended. Cummings said safest to say things they have already done, especially with impending timeline. Ratliff asked what types of things the city would not buy if this \$100,000 went to the grant rather than to the list of qualifiable expenses. Chaffin does not have list in front of her. Immediately, she can think of is two pages of requests from police department. We can reimburse salaries for direct responders for COVID and that frees up money in other areas. MPD needs a repeater in the basement. Officers need to be able to social distance within the department, so they are trying to do reports and other activities in their car. The radios do not work in the basement. Fire Department wants permanent respirator masks. These have changeable filters. They are a large expense that she has not been able to do out of the CARES Act. Ratliff said that we only have so much money and there is not enough money to do every single thing. He sees the choice between purchasing things that make our safety services safer/more productive OR doing small business grants. He feels that small business grants should be funded by the state and federal level sources, rather than local. He feels like we are trying to compensate for things that Washington is not getting done. He is not sure that this project is the best way that money can be spent.

Neff said that he has requested an accounting of CARES Act funding from Service Director. He is just not sure where that is being used and if it is the best use for the city. The small business grant is only about 4% of the total CARES Act funds.

Thomas asked if administration/Regional Planning could put together an alternative proposal for them to consider in committee prior to council meeting. Chaffin affirmed that they could. They have something that they have worked on with an emphasis on simplifying the project. Neff said anything that would get this to happen. Thomas requested that Neff talk to Chaffin.

Schaber made a motion to meet again on 10/21 to look at proposals; Thomas 2nd. Roll Call: Ayes – Daniels, Schaber, Thomas: Nays -- none

Special Meeting called for 10/21/2020 at 6:30 PM on Zoom (3-0)

New Business:

Item 1. LIQUOR LICENSE APPLICATION: HARDING HARBOR SEAFOOD, 267 W CENTER ST

No concerns reported by police or fire.

Thomas made a motion to take no action; Schaber 2nd. Roll Call: Ayes – Daniels, Schaber,
Thomas: Nays -- none

No action requested (3-0)

Item 2. LIQUOR LICENSE APPLICATION: MI RANCHO GROCERY STORE LLC, 170 BARKS ROAD

Thomas made a motion to take no action; Schaber 2nd. Roll Call: Ayes – Daniels, Schaber,
Thomas: Nays -- none

No action requested (3-0)

No concerns reported by police or fire.

Item 3. DISTRIBUTION FULL LIST OF LIQUOR LICENSE RENEWALS FOR 02/2021 (ROSE) – NO ACTION NEEDED

Clerk Rose explained that this part of the annual renewal process and allows for objections by council. Input is requested from council. There is a process to go through if they object to any of the licenses.

There being no further business to come before this committee, the chair adjourned the meeting at 8:40 PM.

Josh Daniels, Chair

Tarina R. Rose, Council Clerk